

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff

Civil No. 04-303-ERIE

VS.

LARRY W LAFFERTY AND
BETH A. LAFFERTY

Defendants

**PLAINTIFF'S MOTION FOR THIRD ENLARGEMENT OF TIME OF 120 DAYS TO SERVE
COMPLAINT IN MORTGAGE FORECLOSURE AS TO BETH A LAFFERTY ONLY**

The United States of America, a sovereign corporation, by and through its counsel Mary Beth Buchanan, United States Attorney in and for the Western District of Pennsylvania, and Bernstein Law Firm, P.C , private counsel to the United States of America, files its Third Motion for Enlargement of Time to serve Complaint in Mortgage Foreclosure on Beth A. Lafferty.

1 Plaintiff the United States of America filed its Complaint in this action October 14, 2004 against Defendants Larry W. Lafferty and Beth A. Lafferty who are the mortgagors of a Mortgage dated and recorded on October 12, 1990 in the Recorder of Deeds Office of Erie County, Pennsylvania, with regard to property located in North East, Erie County, Pennsylvania, as more fully described in Plaintiff's Mortgage

2 Plaintiff attempted to serve LARRY W LAFFERTY with a Complaint in Mortgage Foreclosure, Notices of Waiver of Summons, and Waivers of Summons on October 25, 2004, by regular mail, at 4230 South Washington Street, North East, PA 16428, which is the Defendant's last known address.

3 Defendant executed the Waivers of Service of Summons on October 28, 2005

4. Plaintiff attempted to serve BETH A LAFFERTY with a Complaint in Mortgage Foreclosure, Notices of Waiver of Summons, and Waivers of Summons on October 25, 2004, by regular mail, at 3211 Skellie Avenue Erie PA 16510, which is the Defendant's last known address

5. Defendant failed to execute the Waivers of Service of Summons

6. Thereafter, Plaintiff attempted personal service on Defendant, BETH A. LAFFERTY through the United States Marshal's Office on December 20, 2004

7 The United States Marshal's Office made an executed return of service as to Defendant BETH A. LAFFERTY on January 20, 2005

8. However in the interim, Defendant BETH A. LAFFERTY filed for Chapter 7 Bankruptcy on December 9, 2004.

9. Thereafter Defendant's said Bankruptcy was discharged on April 26, 2005.

10. Since service was made upon the Defendant after her filing for Bankruptcy, said service was defective and Plaintiff filed its Second Motion for Enlargement of time to serve defendant Beth Lafferty.

11. Subsequently, Plaintiff filed its Motion for Alternate Service as to Defendant Beth Lafferty which was granted on September 7, 2005.

12. Plaintiff, attempted service through the U.S. Marshal's Office, but failed to instruct Marshal to post per court order.

13. The U.S. Marshal's Office attempted personal service and made an unexecuted return of service as to Beth A. Lafferty on January 31, 2006.

14. Summons as to the within Complaint expired as of January 27, 2005, which is 120 days from the date of the filing.

WHEREFORE, Plaintiff The United States of America requests that this Honorable Court enter an Order granting Plaintiff an Enlargement of Time of 120 days to serve the Defendant, BETH A. LAFFERTY.

Respectfully submitted,

BERNSTEIN LAW FIRM, P.C.

By: 

Lori A. Gibson, Esquire

Attorney for Plaintiff

PA I.D. #68013

Suite 2200 Gulf Tower

Pittsburgh, PA 15219

DIRECT DIAL: (412) 456-8119

BERNSTEIN FILE NO. F0052767

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff

Civil No. 04-303-ERIE

vs.

LARRY W LAFFERTY AND
BETH A. LAFFERTY

Defendants

CERTIFICATE OF SERVICE

I, LORI A GIBSON, certify that, this 1 day of MARCH, 2005, I served a true and correct copy of the foregoing MOTION FOR THIRD ENLARGEMENT OF TIME OF 120 DAYS TO SERVE COMPLAINT IN MORTGAGE FORECLOSURE ON DEFENDANT BETH A LAFFERTY upon the following individual by regular First Class United States Mail, postage prepaid.

BETH A. LAFFERTY
3211 Skellie Avenue
ERIE, PA 16510


Lori A. Gibson, Esquire